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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,647	07/31/2001	Morgan T. Schramm	10011942-1	5743

7590 02/22/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,647

Applicant(s)

SCHRAMM, MORGAN T.

Examiner

Jerome Grant II

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-18-2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

JEROME GRANT II  
PRIMARY EXAMINER

### Detailed Action

1.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 and 23-34 are rejected under 35 U.S.C. 101 because the specific claims lack utility. The claims are directed generically to either a method, or apparatus without an intended purpose or use.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 12, 17 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yada.

With respect to claim 1, Yada teaches a method for processing an image comprising: forming a plurality of color planes (lines 3-5 of the Constitution), referred to as new planes from a plurality of planes M color

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planes and N color planes where  $N > M$ ; and compressing the newly formed planes via compressing means 105, see lines 5 and 6 of the Constitution.

What is not specifically shown by Yada is two planes used to make three new planes. The reference teaches using at least two planes to make a plurality of planes.

Since, applicant has not advanced a reason why the formulation of only three new planes is a novel approach, the examiner concludes that the formation of any reasonable number of planes would have been contemplated by one of ordinary skill in the art based on the teaching by Yada that a plurality of planes could be generated. Thus, a plurality could be two or three or more.

Therefore, this claim is at least contemplated and would have been obvious to one of ordinary skill in the art.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yada in view of Kondo

Yada teaches an apparatus comprising: forming a plurality of color planes (lines 3-5 of the Constitution), referred to as new planes from a plurality of planes M color planes and N color planes where  $N > M$ ; and compressing the newly formed planes via compressing means 105, see lines 5 and 6 of the Constitution.

What is not specifically shown by Yada is two planes used to make three new planes and memory as claimed. The reference teaches using at least two planes to make a plurality of planes.

Since, applicant has not advanced a reason why the formulation of only three new planes is a novel approach, the examiner concludes that the formation of any reasonable number of planes would have been contemplated by one of ordinary skill in the art based on the teaching by Yada that a plurality of planes could be generated. Thus, a plurality could be two or three or more.

Therefore, this claim is at least contemplated and would have been obvious to one of ordinary skill in the art.

Furthermore, Yada does teach that at least the a storage device is used for storing decompressed data. This is suggested by lines 2 and 3 of the "Purpose". It is not clear, however, if compressed data is stored.

Kondo teaches a plurality of planes (color planes introduced as frame memory 22) for producing a corrected value. This corrected data has been submitted in the form of frame data. The result is stored in a memory 24.

Therefore, although Yada does not specifically state that a memory is used to store compressed data. It would have been contemplated by the prior art since it is will established to stored data before and after encoding of decoding it as is suggested by the combination of Yada and Kondo.

With respect to claims 12 and 18, paragraphs 28 and 29 of Yada suggests the formation of y, m and c planes.

With respect to claim 17, Yada teaches an imaging device comprising: forming a plurality of color planes (lines 3-5 of the Constitution), referred to as new planes from a plurality of planes M color planes and N color planes where  $N > M$ ; and compressing the newly formed planes via compressing means 105, see lines 5 and 6 of the Constitution.

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Regarding the imaging mechanism as claimed, see the fax discussed at paragraph 6 and device 106.

What is not specifically shown by Yada is two planes used to make three new planes and memory as claimed. The reference teaches using at least two planes to make a plurality of planes.

Since, applicant has not advanced a reason why the formulation of only three new planes is a novel approach, the examiner concludes that the formation of any reasonable number of planes would have been contemplated by one of ordinary skill in the art based on the teaching by Yada that a plurality of planes could be generated. Thus, a plurality could be two or three or more.

Therefore, this claim is at least contemplated and would have been obvious to one of ordinary skill in the art.

Furthermore, Yada does teach that at least the a storage device is used for storing decompressed data. This is suggested by lines 2 and 3 of the "Purpose". It is not clear, however, if compressed data is stored.



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Kondo teaches a plurality of planes (color planes introduced as frame memory 22) for producing a corrected value. This corrected data has been submitted in the form of frame data. The result is stored in a memory 24.

Therefore, although Yada does not specifically state that a memory is used to store compressed data. It would have been contemplated by the prior art since it is will established to stored data before and after encoding of decoding it as is suggested by the combination of Yada and Kondo.

Claims 2-10, 13-16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Claims Allowed

Claims 21 and 22 are allowed.

4. Claims 23-34 would otherwise be allowed if amended to provide utility to overcome the rejection under Sect. 101.

Claims 23-25 are allowed for the reason of the processor stored on a computer readable memory.

Claims 26-29 are allowed for the reason of steps 4-8 of claim 26 are not taught in claimed combination.

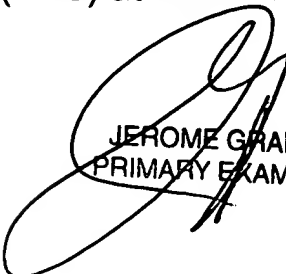
Claims 30-34 are allowed for the reason the steps of claim 30 in claimed combination are distinct over Yada.

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon...-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEROME GRANT II  
PRIMARY EXAMINER